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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,001	04/13/2004	Maryann C. Kenney	930007-2164	4705
20999	7590	07/11/2006	EXAMINER	
FROMMER LAWRENCE & HAUG			HUG, ERIC J	
745 FIFTH AVENUE- 10TH FL.				
NEW YORK, NY 10151			ART UNIT	PAPER NUMBER

1731

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/823,001	KENNEY, MARYANN C.	
	Examiner	Art Unit	
	Eric Hug	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 4, 14, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Sayers (WO 99/32715).

Sayers discloses a press felt for a paper machine comprising a base fabric and a fine paper contacting surface provided by a batt layer of fibrillatable micro-fibers less than 1.0 denier in fineness. The fibers are fibrillated by mechanical means during manufacture of the felt or under the influence of physical conditions on the paper machine after installation of the felt. The fabric prevents rewetting (top of page 7). Regarding claim 4, the base fabric may be a woven or nonwoven textile or perforated membrane of one or more layers (third paragraph of page 4). Regarding claim 14, the fibrillatable fiber may be polyester (first paragraph of page 4). Regarding claims 16 and 17, the fibrillatable fibers can be blended with conventional non-fibrillatable fibers in amounts of up to 40% of the non-fibrillatable fibers (see last paragraph of page 2; second paragraph of page 5) which is suitable for insuring the integrity of the fabric.

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2. Claims 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Heagle et al (US 5,190,657). Heagle discloses a filtering material comprised of a matrix of textile fibers and fibrillated textile fibers embedded or disposed in the spaces therein. The fibrillated fibers are present in a ratio to matrix fibers of between 1:99 to 40:60. The fibrillated fibers can be polyethylene terephthalate (column 7, line 36), which is equivalently polyester. The matrix may be woven or non-woven (column 11, lines 32 to 45).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 3, 5-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayers (WO 99/32715) in view of Applicant's admission of known prior art.

The press felt of Sayers described above is constructed with at least one base fabric layer and a surface layer comprising fibrillatable microfibers. All of the claimed features have been disclosed by Applicant as being taught by the prior art, and would be considered by one skilled in the art as being obvious variations on the structure or on the method of construction of the press fabric of Sayers, without adversely affecting the performance of the fibrillatable fibers. Such modifications are deemed to be within the scope of Sayers. For instance, regarding the additional layers of claims 2, 3, and 8-13, Sayers discloses that the felt may further comprise additional batt layers (third paragraph of page 4), thus Sayers does not teach away from

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including additional layers. The features of the base fabric given by claims 5-7 and the polyamide material of claim 15 are well known prior art features that one skilled in the art would recognize as being merely different possibilities to select from for construction of the felt in combination with a batt layer of fibrillated fibers.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

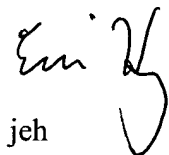
Hyvonen (US 2005/0124248) discloses a press felt comprised of microfibers which can be subjected to grinding to obtain a desired surface roughness. See paragraphs [0044] and [0045].

Sayers (GB 2332916) discloses a press felt having one or more interior layers comprised of microfibers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


jeh